

## Washington Environmentalists Challenge State 'Excellence' Law

To the Editor:

In the face of EPA's declaration that the recently-enacted Washington state "Environmental Excellence" law is "workable," [*State Environmental Monitor*, May 5, page 7], we would like to offer our perspective.

The so-called "Environmental Excellence" bill was approved by the Washington State Legislature this year despite the united opposition of environmental advocates. These groups—the Sierra Club, People for Puget Sound, Washington Environmental Council, Audubon Society of Washington State, Washington Toxics Coalition, American Lung Association, League of Women Voters, Coastal Fishing Communities, Heart of American Northwest, & Washington PIRG—believe that the program created by this legislation will abandon the fundamental building blocks of the current environmental protection system: pollution limits, required compliance, penalties for failure to comply with the law and public involvement to supplement a strong enforcement agency.

While the new state law ostensibly reflects the EPA's "Excellence & Leadership (XL)" project parameters, the Sierra Club notes that these experimental projects have been highly controversial precisely because they too substitute feel-good language for 27 years of environmental protection law and experience.

The historical debate and the status of the federal XL experiment clearly was not understood by the state legislature in Washington. The EPA's Project XL guidance clearly stipulates that, in order for a proposal to be considered a candidate for an agreement, it must achieve "superior

environmental results." The Weyerhaeuser Company, a lead advocate of the Washington bill, is also party to one of these Federal XL experiments in Georgia. Nevertheless, the Washington law doesn't require superior environmental results, nor will these be produced, in our view, by the Weyerhaeuser XL agreement recently signed in Georgia. Legislators, unfortunately, relied on the good faith of Weyerhaeuser and other proponents when they were told that the state legislation merely replicated the federal program. Rather than seeking environmental and public health protection standards.

The Sierra Club and other environmental groups fault their legislature for failing to recognize the erosion of the environmental protection principles embodied in the Washington bill. Under the new state law, this erosion is evident in that enforceable rules, promulgated with public participation, will be replaced by vague goals and unchecked experimentation. In addition, Washington state legislators are being criticized by environmental advocates in the state for:

1. agreeing that sweeping new legislation is needed while providing no specific evidence of that need or any showing that the existing system presents barriers to innovative projects.
2. being unwilling to wait for results of the controversial federal XL experiment before acting to codify it.
3. failing to strive for true excellence when they abandoned pollution prevention, innovation and better (superior) environmental results as the primary goals of any "Excellence" agreements. Results that can be achieved at reduced costs could be the only goal of an agreement.

4. burdening citizens near each site with the responsibilities of studying, debating, and monitoring these industrial siting, development and operating agreements on a case-by-case basis. The new law offers no ground rules for stakeholder involvement or guidance for environmental protection. The proponent of each agreement is to develop a stakeholder plan, and the new law leaves it unclear who will select stakeholders in some cases. No requirements or funds exist for community/citizen stakeholders to do independent project evaluations.

5. putting a host of new responsibilities on a state agency that for many years has not had adequate staff and resources to inspect and monitor existing industries. In some cases, the agreements would affect local laws with no state oversight of the experiment. No money was appropriated by the legislature for implementation of the program.

With this law, the legislature, the state regulatory agency and the public may lose an important opportunity to look at true improvements to both the regulatory system and the state's environmental quality. These are improvements that the public wants and that responsible industries should step up to the plate to achieve. As Carol Dansereau, of the Washington Toxics Coalition, noted: "True environmental excellence strengthens environmental standards for all rather than weakening them for some, and it doesn't establish a bureaucratic nightmare for state agencies and the citizens they are supposed to protect."

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## Baltimore Case Study Should Spur Changes in Partnerships

To the Editor:

The *State Environmental Monitor* deserves great credit for its incisive analysis of EPA's Partnership Project in Baltimore, published in the June 2, 1997 issue (*USEPA's Baltimore Pilot 'Partnership' - A Study in Dissonance*). At a time when it is crucial that all of the stakeholders in EPA's various reinvention initiatives take stock of what works and what doesn't work, your reporting should help spur

EPA and, ultimately, all stakeholders to make badly needed changes.

As your story points out, the central flaw in the Baltimore project is that it promised the moon and the stars (the project would "develop a comprehensive picture of the local environment and an environmental action agenda based on the needs and the wants of the community"), but was unable to deliver after months of sincere effort by the full range of participants. Not

only did these months of fruitless meetings dash the hopes of community activists and annoy industry, they eroded preexisting working relationships between the two groups.

The remarkable agreement among the diverse stakeholders that EPA's unfocused goals and high-flown rhetoric are the reason the Partnership has failed thus far in turn indicates how it might be salvaged: EPA must bring in staff who are